

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**QUINTON SETTLES  
ADC #160480**

**PLAINTIFF**

v.

**No. 5:18-cv-256-DPM**

**WENDY KELLEY, Director, Arkansas Department  
of Correction; DEXTER PAYNE, Assistant  
Director, ADC; DARRYL GOLDEN, Warden,  
Delta Regional Unit, ADC; THOMAS HURST,  
Assistant Warden, Delta Regional Unit; JUSTINE  
MINOR, Disciplinary Hearing Officer, Pine Bluff  
Unit; PERCY ARNOLD, Major, Delta Regional  
Unit, ADC; S. MCCOY, Disciplinary Notifying  
Officer, Delta Regional Unit, ADC; G. NALLS,  
Disciplinary Notifying Officer, Delta Regional  
Unit ADC; and LEATVITA HOWARD,  
Corporal, Delta Regional Unit, ADC**

**DEFENDANTS**

**ORDER**

On *de novo* review, the Court adopts the recommendation, No 7, as supplemented and overrules Settle's objections, No 8. FED. R. CIV. P. 72(b)(3). The supplement: Settles doesn't allege that the lack of air conditioning caused him any harm. That claim therefore fails, too. *Irving v. Dormire*, 519 F.3d 441, 448 (8th Cir. 2008). Settles's complaint will be dismissed without prejudice for failure to state a claim. This dismissal a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

15 November 2018